

PUBLIC LAW BOARD NO. 1684

PARTIES) Illinois Central Gulf Railroad
TO) and
DISPUTE) United Transportation Union

STATEMENT) Claim of Conductor E. L. Baddley, Water Valley District for
OF CLAIM) 200 miles, April 10, 1964, account available and not used
to handle engines from Grenada to Water Valley and Division
Officer worked as pilot instead.

FINDINGS: This Public Law Board No. 1684 finds that the Carrier and
Employee herein are respectively Carrier and Employee within the meaning
of the Railway Labor Act, as amended, and that this Board has jurisdiction.

The Organization alleged that Freight Train No. 41 was halted
by a work stoppage on April 8, 1964, at Water Valley. Its engines were
brought to Grenada where facilities for storing and caring for the
diesel units were available. Further, the strike was officially terminated
at 11:49 P.M. April 9, and official notice of its termination was
transmitted to all local representatives before 1:00 A.M., April 10, 1964.
Further, in order to ready Train No. 41 for movement that same day a
carrier officer, Traveling Engineer Webb, acted as engineer and Train-
master Anderson acted as pilot and handled Diesel units 9180 and 9243
from the engine house at Grenada to a point five miles up the main line
to the Water Valley Branch Line Junction. After entering the Water
Valley Branch Line they continued to handle these engines to Water Valley.
Said move was made by Carrier Officers commencing at about 1:00 P.M.,
April 10, 1964.

Furthermore, Claimant Conductor Baddley was at Water Valley
available for service. Thus, when Claimant discovered a Carrier Officer
was used as a pilot in his stead, he claimed 100 miles deadhead Water
Valley to Grenada and 100 miles pilot service Grenada to Water Valley,

representing what he would have earned had he been used. Said claim was denied by the Superintendent by letter dated June 18, 1964, to local Chairman.

Thereafter, the Claim was appealed and denied.

Upon failure of the parties to resolve their differences, the matter was submitted to this Board. We have carefully analyzed the submissions and oral arguments of the parties.

The substance of the Carrier's argument is to the effect that following a strike, the Carrier required a traveling engineer and a Trainmaster to move engines from Grenada to Water Valley in order to resume normal operations.

Furthermore, the Organization criticizes the Carrier for using a Trainmaster instead of a Conductor following termination of the strike. However, Carrier defends its action by citing First Division Award No. 18241 as its basis for its action. Namely that the Rules do not require Carrier to assign a pilot to a light engine movement.

Nevertheless, the Organization disputes this position. Further, arguendo even if Carrier was correct, it does not justify using a Supervisor as a pilot in lieu of a conductor. The Organization argues that the Trainmaster did not go along merely for the ride, hence, Claimant should have been called. Moreover, the Carrier is not privileged to use a Trainmaster to perform the duties of a conductor when the latter is available.

We are mindful of the Organization's vigorous arguments. Thus, it is our considered judgment that the Organization has effectively rebutted the Carrier's defense. Hence, the Claim should be sustained

without precedent. Further, the Organization has demonstrated convincingly that the amount claimed represents actual loss due to the fact that Claimant could have performed the work claimed in addition to his regular work.

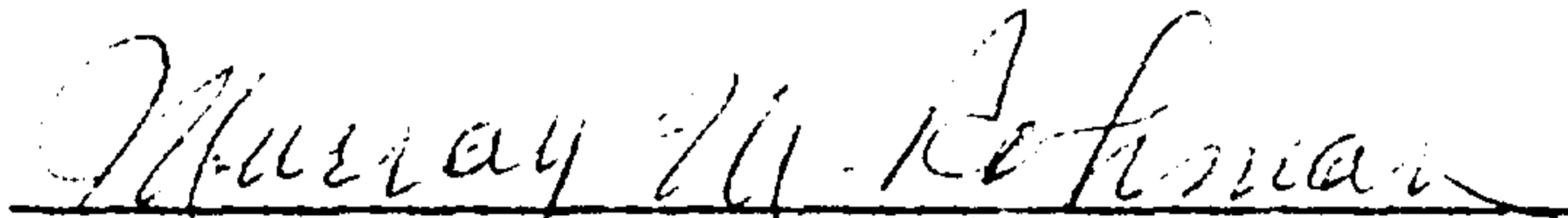
Award

Claim sustained without precedent or prejudice.

Order

The Carrier is hereby directed to comply with Award No. 52, rendered by Public Law Board No. 1684, on or before November 23, 1979.

Public Law Board No. 1684



Murray M. Rohman
Chairman and Neutral Member



F. Zamayioni
Organization Member



J. P. Lange
Carrier Member

Dated: Chicago, Illinois
October 23, 1979